

REMARKS

Applicants would like to thank Examiner Blount for the courtesies extended to Applicants' representative during the telephonic interview of December 19, 2006, which is summarized below. No claims have been canceled. Claim 25 is currently amended. New claim 43 has been added. Claims 25-28, 30-32, 34, 36-37, and 43 are pending.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Summary of Examiner Interview

A telephonic interview on December 19, 2006 was conducted and attended by Examiner Blount and Mr. Karl Klassen, Reg. No. 54,224. During the interview, Applicants' representative discussed differences between the rejected independent claims and U.S. Patent No. 3,252,493 to Smith. In particular, Applicants' representative argued that U.S. Patent No. 3,252,493 does not teach or suggest each and every limitation of the rejected claims and proposed claim amendments as set forth above. No agreement was reached.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 25-28, 30, 32, 34, and 36-37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,252,493 issued to Smith ("Smith"). Applicants respectfully traverse these rejections for at least the reasons set forth below.

Claims 25-28 and 30

Smith does not teach or suggest each and every limitation of independent claim 25. Claim 25 recites, among other things, a substantially equal, outwardly radial displacement throughout nearly all of a longitudinal length of the circumferentially seamless outer surface of the inner metal bushing and nearly all of a longitudinal length of the circumferentially seamless inner surface of the outer metal bushing. In contrast to claim 25, the Smith fastener has an inner core 11 with an edge 18 that undergoes highly localized deformation while an outer expander 13 retains its shape. Weiss Decl., ¶ 8 and ¶ 9. As shown in Figure 6 of Smith, the deformed edge 18 protrudes outwardly due to the peening process. Col. 3, lines 27-33.

Claim 25 also recites, among other things, that substantially uniform stresses are developed along the longitudinal lengths of the inner bushing and the outer bushing. In contrast, the Smith fastener develops highly localized stresses at the edge 18 of the inner core 11 while the expander 13 retains its original shape. Weiss Decl., ¶ 8 and ¶ 9. Smith simply does not teach or suggest each and every limitation of claim 25.

Dependant claims 26-28 and 30 are patentably distinguished over the cited reference for at least the reasons with respect to claim 25, as well as for novel and nonobvious features recited therein. Thus, claims 25-28 and 30 are in condition for allowance.

Claims 32, 34, and 36

Smith does not teach or suggest each and every limitation of independent claim 32. Claim 32 recites, among other things, that the inner and outer bushings are radially expandable by a like amount when the second circumferentially seamless inner surface of the second body is radially displaced. In contrast to claim 32, Smith merely discloses peening the outer edge 18 of the inner core 11 outwardly into the countersink 23 of the expander 13, which retains its original shape. See Figure 6 of Smith; see also Weiss Decl., ¶ 8 and ¶ 9. Additionally, Smith does not teach or suggest developing compressive stresses sufficient to increase the fatigue life of the workpiece, as recited in claim 32. Thus, Smith does not teach or suggest each and every limitation of claim 32.

Dependant claims 34 and 36 are patentably distinguished over the cited reference for at least the reasons with respect to claim 32, as well as for novel and nonobvious features recited therein. Thus, claims 32, 34, and 36 are in condition for allowance.

Claim 37

Smith does not teach or suggest each and every limitation of independent claim 37. Claim 37 recites, among other things, that the first body and the second body are elliptical. In contrast to claim 37, Smith merely discloses the inner core 11 and the expander 13 each having a circular profile, as shown in Figures 1 and 2 of Smith. Because Smith does not teach or suggest each and every limitation of claim 37, Applicants respectfully submit that claim 37 is in condition for allowance.

New Claim

Claim 43 has been added. This claim is fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Consideration of new claim 43 is respectfully requested.

Conclusion

Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the cited reference shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. No new matter has been added to the application.

Applicants respectfully request that the Examiner reconsider this application and timely allow all pending claims. Examiner Blount is encouraged to contact the undersigned by telephone to discuss the above, including details of the FEA model and analysis, and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact the undersigned by telephone to expediently correct such informalities.

Respectfully submitted,
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